

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2008-133672-001 DT

11/19/2008

COMMISSIONER JULIE P. NEWELL

CLERK OF THE COURT

D. McGivern

Deputy

STATE OF ARIZONA

MARK H MENDOZA

v.

SERGIO MONTANO BARAJAS (001)

DOB: 10/26/1964

ROBERT J MCWHIRTER

APO-SENTENCE IMPRISON-CCC

APPEALS-CCC

AZ DEPT OF CORRECTIONS-PHOENIX

CITS - CCC SPANISH

DISPOSITION CLERK-CSC

RFR

VICTIM SERVICES DIV-CA-CCC

SENTENCE OF IMPRISONMENT

10:36 a.m.

Courtroom CCB 902

State's Attorney:	Elise Herman for Mark Mendoza
Defendant's Attorney:	Bart Reidy for Robert McWhirter
Defendant:	Present
Interpreter:	David Svoboda

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

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LET THE RECORD REFLECT that the Plea Agreement - paragraph 5 is amended to reflect the Defendant is avowing to no more than one prior felony conviction rather than no prior felony convictions.

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1: Kidnapping

Class 2 Dangerous Felony

A.R.S. § 13-1304, 1301, 604, 701, 702, 702.01, 801, 301, 302, 303, and 304

Date of Offense: 05/30/2008

Dangerous pursuant to A.R.S. § 13-604 - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 7 year(s) from 11/19/2008

Presentence Incarceration Credit: 173 day(s)

Mitigated

The Court retains jurisdiction for any future restitution hearings.

Community Supervision: Count 1 - Imposed pursuant to A.R.S. § 13-603(I).

IT IS ORDERED granting the Motion To Dismiss the following: Counts 2, 3, and 4.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

10:45 a.m. Matter concludes.

ISSUED: Order of Confinement - Certified Copy to DOC via Certification Desk

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Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER JULIE P. NEWELL  
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)